

## **REMARKS**

Currently claims 1-20 are pending in the application. Claims 2, 3, 8, and 10 have been cancelled and claims 11-20 have been withdrawn. Claims 1, 4-7 and 9 stand rejected.

Claims 1 and 9 were rejected under 35 U.S.C. § 102(e) as being anticipated by Ebisawa (US Pat. No. 6,449,422).

At the outset, applicants request that the Examiner reconsider his determination that this is a final rejection. US Pat. No. 6,449,422 was incorrectly cited by the Examiner and this correct number was provided on June 5, 2006. This was the first time that this patent was cited.

Turning now to US Pat. No. '422, it relates to an editing apparatus for editing video images. The Examiner should note that the claims have been amended to indicate that they are concerned with still images not video. Moreover, the changes to claims 1 and 9 should now make it clear that the viewing time duration in claim 1 and time intervals in claim 9 are determined by the user. As an operator or editor views the video, he can enter a degree of importance in terms of a scene currently being viewed. Automatically, the time code associated with that scene is entered. Now, an editor can subsequently edit the video and quickly get to a scene that has been rated important. While the editor is viewing the tape the time code is displayed. The time code indicates the time from the beginning of the tape to the current scene being displayed. The time that the editor watches the video has nothing to do with the degree of importance of the last scene. The degree of importance is assigned by the user.

The Examiner's attention is called to claim 1 which clearly points out the difference. Digital still images are sequentially displayed. They are electronically monitored by the duration of the viewing time. The degree of importance of any still image relates to the duration of the time it is monitored. In the '422 patent, the time that a video is looked at is not important. The time code identifies the scene within the video that is of interest. That time is not of any indication of the importance of the scene. It is of course useful to the editor especially when they are editing the video. Applicants believe that the '422 patent shows no motivation since it is not involved with providing a degree of importance based upon monitored time duration or time interval. There clearly is

not suggestion of the present invention. Applicants fail to see how the '422 patent would reasonably provide any teaching of the subject matter of claims 1 and 9.

Applicants believe that it may be appropriate to have a telephone interview with the Examiner and applicants attorney would appreciate a phone call from the Examiner if there are any problems with this amendment.

The remaining claims depend from either amended claim 1 or amended claim 9 and should be allowable for the reasons set forth above.

Claim 4, were rejected under 35 U.S.C. § 103(a) as being unpatentable over in view of Ebisawa (US Pat. No. 6,449,422) as applied to claim 1 above, and further in view of Li et al. (US Pub. No. 2003/0063798)

The '422 patent has been discussed above. As previously pointed out to the Examiner, Li relates to a video summarization video of a football game which provides the same level of excitement as the original game provided. The methods of processing video football games of Li do not *determine the degree of interest of the user*. Rather, the methods of Li are used to identify the relevant portions of a typical football video in order to create a summary video of the game.

Applicants fail to see how Li et al. can reasonably be combined with the '422 patent to produce a method for determining the importance of still digital images based upon the duration of time that the still digital image is viewed. In any event, claim 4 depends on claim 1 and should be allowed along with it.

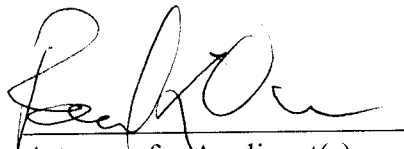
Claims 5-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ebisawa ('422) as applied to claim 1 above, and further in view of Black et al. (US Pat. No. 5,802,220).

Ebisawa has been discussed above. Claims 5-7 depend upon claim 1 and should be allowed along with it. Black does discuss levels of smiling or laughing but has no teachings of monitoring viewing time to determine the degree of interest as set forth in claim 1.

It is believed that these changes now make the claims clear and definite and, if there are any problems with these changes, Applicants' attorney would appreciate a telephone call.

In view of the foregoing, it is believed none of the references, taken singly or in combination, disclose the claimed invention. Accordingly, this application is believed to be in condition for allowance, the notice of which is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ray L. Owens', written over a horizontal line.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.